IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO. 116 OF 2005

DINESH D. KAMAT ... PETITIONER.

VS.

STATE OF MAHARASHTRA ... RESPONDENTS.

THE PETITIONER IN PERSON.

MR. P.M.PATIL AGP FOR RESPONDENT NO.1.

MR. P.G.KARANDIKAR FOR RESPONDENT NO.2.

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CORAM : J.N.Patel and A.A.Sayed, JJ.

DATE : August 29, 2007.

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P.C.

1. The Petitioner, who appears in person had filed this Petition, seeking a writ of mandamus from this Court for a direction to the Respondent No. 1 i.e. the State of Maharashtra to make enquiry of the property of Respondent No. 2 Manohar Joshi, who held various offices viz.Mayor, Opposition Leader, Chief Minister, Ex-cabinet Minister and Lok Sabha Speaker etc. and for the Order to seize the properties held in Benami and to direct the CID to register a case of

mass murders of persons, animals, plants etc.

2. The foundation on which this petition is filed is the news items, which were published in various news papers, which are annexed as Exhibit "A" and "B" to this petition. This Court can well understand the anguish expressed by the Petitioner making the submissions, but we find ourselves helpless in exercising the writ jurisdiction under Article 226 and 227 of the Constitution of India, on the basis of the pleadings in the petition.

3. So far as the news items are concerned, there is no affidavit placed before us of the Editor/ Chief Editor of those news papers that the news are authentic and the news containing the information is authentic, the authenticity of the concerned news items and they have sufficient evidence with them of which cognizance can be taken by the Court of Law. Therefore, we are of the view that the Petition deserves to be dismissed.

4. Consequently, the petition stands dismissed.

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[J.N.Patel, J.]

[A.A.Sayed, J.]